

Notice of Allowability

Application No.

09/525,230

Examiner

Andrew L Nalven

Applicant(s)

BIRKLER ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to remarks submitted 7 February 2005.
2. ☒ The allowed claim(s) is/are 1-65.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 2 December 2004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Maddox Reg# 47,764 on 3/14/05.

The application has been amended as follows:

Claim 1. A method for securely storing data within a memory, the method comprising the steps of:

receiving a reminder entered by a user;

encrypting the data using a non-verifiable personal identifier;

encrypting the user-entered reminder using the non-verifiable personal identifier;

and

storing the encrypted data and the encrypted user-entered reminder in the memory;

wherein the stored encrypted data and the stored encrypted user-entered reminder can only be correctly decrypted using the non-verifiable personal identifier,

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wherein a correctly decrypted reminder provides an indication of correctly decrypted data.

Claim 24. An apparatus for securely storing data within a memory, the apparatus comprising:

- at least one processor configured to:
 - receive a reminder entered by a user;
 - encrypt the data using a non-verifiable personal identifier; and
 - encrypt the user-entered reminder using the non-verifiable personal identifier;
- and a memory for storing the encrypted data and the encrypted user-entered reminder;

wherein the stored encrypted data and the stored encrypted reminder can only be correctly decrypted using the non-verifiable personal identifier, wherein a correctly decrypted reminder provides an indication of correctly decrypted data.

Claim 43. An article of manufacture for securely storing data within a memory, the article of manufacture comprising:

- at least one processor readable carrier; and
- instructions carried on the at least one carrier; wherein the instructions are configured to be readable from the at least one carrier by at least one processor and thereby cause the at least one processor to operate so as to:

- receive a reminder entered by a user;

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encrypt the data using a non-verifiable personal identifier;
encrypt the user-entered reminder using the non-verifiable personal identifier;
and
store the encrypted data and the encrypted user-entered reminder in the
memory;
wherein the stored encrypted data and the stored encrypted reminder can only
be correctly decrypted using the non-verifiable personal identifier, wherein a correctly
decrypted reminder provides an indication of correctly decrypted data.

2. Claims 1-65 are allowed.

The following is an examiner's statement of reasons for allowance: The cited prior art, Tomko US Patent No. 5,712,912 and Weinstein US Patent No. 4,453,074, provide teachings for encrypting data using a non-verifiable personal identifier, encrypting a reminder using the non-verifiable personal identifier, and storing the encrypted data and the encrypted reminder. Tomko and Weinstein fail to teach the reminder being entered by a user for providing an indication to a user that decryption has been successful. Instead, Tomko and Weinstein teach a reminder that is common to all instances of their system and may not be altered (see Applicant's remarks submitted 2/7/05 Page 3). As such, the cited prior art fails to anticipate or render obvious the above-cited claims.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven





GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER